

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:16-CR-00003-KDB-DCK**

USA,

Plaintiff,

v.

[2] JONATHAN DANIEL HATFIELD,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant's pro se motions to modify sentence under United States Sentencing Guidelines (USSG) Amendment 782 (Doc. No. 90), his second motion to modify sentence under USSG Amendment 782 (Doc. No. 91), and his motion to appoint counsel pursuant to the First Step Act of 2018 (Doc. No. 96).

I. Background

Defendant was charged with: Count (1), methamphetamine trafficking conspiracy, in violation of 21 U.S.C. § 841(b)(1)(A); Count (2), possession of a firearm in furtherance of drug trafficking (Count 1), in violation of 18 U.S.C. § 924(c); Count (3), possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C); Count (4), possession of firearm in furtherance of drug trafficking (Count 3), in violation of 18 U.S.C. § 924(c); Count (5), possession of firearm by convicted felon, in violation of 18 U.S.C. § 922(g)(1); and Count (6), possession with intent to distribute methamphetamine, in violation of 18 U.S.C. § 2 and 18 U.S.C. § 841(a)(1). On March 14, 2016, Defendant pled guilty to Counts (3), (4), and (5). (Doc. No. 50). The Government filed for a downward departure under USSG 5K1.1. (Doc. No.

79). Defendant was sentenced to a total of 106 months imprisonment on December 8, 2016. (Doc. No. 88).

II. Amendment 782

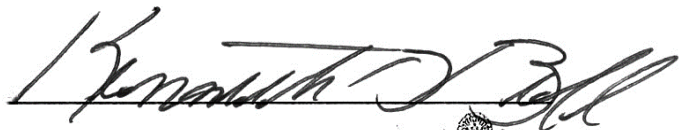
Considering that USSG Amendment 782 became effective on November 1, 2014, and Defendant was sentenced in December of 2016, Defendant's sentence was imposed in accordance with Amendment 782. Defendant is not eligible for a reduction under Amendment 782 because he was sentenced well after the Amendment's effective date.

III. First Step Act

Defendant claims he is eligible for a sentence reduction under the First Step Act because he was given a "stacked sentence" for his 18 U.S.C. 924(c) conviction. (Doc. No. 96). However, Defendant did not receive a stacked sentence; rather, he received a mandatory consecutive sentence under 18 U.S.C. § 924(c). Therefore, the First Step Act does not afford Defendant any relief.

IT IS THEREFORE ORDERED Defendant's motions (Doc. Nos. 90, 91, 96) are **DENIED**.

Signed: November 19, 2019



Kenneth D. Bell
United States District Judge

